

**Record of Decision
and
Finding of No Significant Impact
for
Lake Five Fishing Access
Environmental Assessment**

Montana Fish, Wildlife & Parks
Region One
490 N. Meridian Road
Kalispell, MT 59901

May 31, 2005

Description of the Proposed Action:

The proposed action is to accept the donation of ten acres on Lake Five and develop a fishing access site on the property.

Lake Five is a 151.8-acre lake located off Highway 2 between Columbia Falls and West Glacier in Flathead County. In the past, boat launching has been allowed at the Lake Five Resort for a fee. Public access for shore fishing was historically available at the following two locations:

- a. The railroad right of way between the railroad tracks and the lake. Due to liability concerns, the railroad has closed this access.
- b. A parcel on the east shore between the lakeshore and the county road. The ownership of this parcel is unclear. In addition, the site is steep, with a 10-foot drop, making it unsuitable for boat access, and it can only be negotiated by able-bodied people.

The lake contains brook trout, kokanee salmon, yellow perch, and largemouth bass. Current fishing pressure is 496 fishing days annually. The fishing on this lake has been limited by the lack of public access.

In January of 2003 Mrs. Elizabeth Taylor, wishing to honor her deceased son, Paul Taylor, approached Fish, Wildlife & Parks. To honor her son, she wished to provide a fishing access site for public use. Region One had identified Lake Five as a high priority for public access. During the same time frame, the Edna Ridenour family, who have property on Lake Five, approached FWP. They wished to complete a sale with the Department to provide public access on the site, as this was a request of their late father. With this confluence of desires, they completed a bargain sale/purchase of ten acres on Lake Five and donated the land, along with funds for future maintenance of the site, to the Fish, Wildlife & Parks Foundation. The intent of the donation is that a fishing access site, to be known as Paul's Fishing Access Site, be developed on the lake and made available to the public. Development will be done using state and federal funds. A trust fund will be set up through the Fish, Wildlife & Parks Foundation to provide a portion of the annual maintenance of this site.

A preliminary plan and draft environmental assessment was made available on February 14, 2005, at the beginning of the public comment period. The comment period was originally slated to be from February 14 to March 18, 2005; however, the comment period was extending to April 1. The draft EA was placed on the FWP web site. A hard copy was mailed upon request.

The alternatives considered in the draft EA were:

Alternative I: No Action

FWP would not accept the donation of ten acres on Lake Five and would not develop a fishing access site on the property.

Alternative II: Minimal Development

In this alternative FWP would accept the donation of ten acres on Lake Five and would develop a fishing access site on the property; however, the level of development would be reduced. No host pad would be installed, and the roads would be gravel instead of paved.

Alternative III: Preferred Alternative

In this alternative FWP would construct a day-use boat access area for 7 vehicle-and-trailer combinations and 16 parking sites for individual cars. Development would include a paved entrance road, parking, a vault toilet, boat ramp, signs and gates, and a host pad. All the facilities, with the exception of the host pad, will be developed in the primary development project. The host pad will be completed after proper permitting and zoning is completed. The purpose of having a host on-site is to reduce impacts to other people adjacent to the property and elsewhere on the lake by closing the site at night, providing maintenance services, and providing someone to contact enforcement if problems occur on the site.

Public Comment:

An open house was held on March 8, 2005, between 5:00 p.m. and 7:00 p.m. at the Hungry Horse Ranger District office, 8975 Hwy 2 East, Hungry Horse, Montana. Forty-three people attended the open house, with eleven identifying themselves as property owners. Four comment sheets were given to FWP at the meeting, evenly split between those supporting Alternative III and those supporting Alternative I.

In total, 432 individual comments were received, in addition to two petitions with a total of 750 names in favor of the project. Of the comments received, 85 (19.6%) favored Alternative I, the no-action alternative; 16 (3.7%) favored Alternative II, minimal development; 225 (52.1%) favored Alternative III, the preferred alternative; and 102 (23.6%) favored development, but did not specify Alternative II or III. Four (1%) comments were unclear as to what alternative was favored.

Issues raised during the comment period included:

1. **Process issues related to the amount of public comment, the timing of the open house, the adequacy of the environmental assessment, and whether public access is desired or required.**

The environmental assessment followed standard departmental procedure for Lake Five. In recognition that many of the property owners were not at the lake during the winter, written notification and an executive summary of the project was sent to every owner of record around Lake Five and to many of the properties in close proximity to the lake. The desire for public access has been voiced to the Department over the last ten years. Lake Five has been on FWP's list of priority sites on which to gain public access for several years.

2. **Fisheries concerns that there is not a sustainable fishery at Lake Five.**

Lake five currently contains self-sustaining populations of brook trout, largemouth bass, yellow perch, and pumpkinseed sunfish. The Department annually stocks kokanee salmon. In the 1950s, 1960s, and 1970s, the Department stocked rainbow and cutthroat trout into Lake Five. Stocking hatchery-produced trout into Montana lakes has been a very successful and accepted strategy of fisheries management for many decades. Currently, the Department stocks trout in about 240 lakes in Region One where natural production does not meet demand. These fish provide successful and popular fisheries. In Montana, stocking fish into lakes has been a very popular program.

3. **Concerns whether there will be enough enforcement for water safety and other safety issues.**

In the past there has been no public access for enforcement personnel, which is necessary in order to do water safety patrols. In the past, access at the resort has, at times, been denied. With the development of a public access site, water access for enforcement personnel will increase.

4. **Water quality issues related to discharge from boat motors.**

While an increase in the number of boats on the lake by seven boats may increase the discharge into the lake from boat motors, it is believed the amount of increase will be insignificant.

Lake Five has been monitored for water quality by the Flathead Basin Commission. Their report stated that Lake Five has better water quality than many of the lakes in the Flathead Valley, probably due to a number of springs under the lake which feed fresh water to the lake.

5. **Safety and crowding issues. The concern is that there are already too many boats on the lake, and the addition of a public access will make the lake unsafe. Additionally there is concern that it will create water conflicts between water-skiers and fishermen, and that the water safety will be further impaired by the implementation of a distance-from-shore regulation which will force more water users into a smaller area.**

With the installation of a public access on the lake the 200' distance-from-shore regulation will be applicable. This will push water-skiers and jet-skiers out farther into the lake, which may have two impacts: a) protecting

fishermen and swimmers and, to some extent, reducing shoreline erosion, and b) increasing crowding in the area where wake-speed activities are allowed, increasing the possibility of boating accidents.

If the community desires it, FWP will work with them proactively to seek a resolution that will be fair and equitable. Possible solutions could include making the lake no-wake, doing temporal zoning to allow water-skiing and jet-skiing only during certain hours or on certain days of the week, or some other creative solution that would be equitable for all users.

6. The potential for added noise, late night parties, and increased criminal activity at the public site, as well as the ability of the public to use that access site to trespass on private property were cited.

In Alternative III, the use of an on-site volunteer host was included in order to have a presence on the site to prevent late night partying and vandalism. The volunteer would monitor the site and call enforcement if activities were occurring that he/she believes will become difficult. In addition, the volunteer host will shut the gate at night and open it in the morning in order to prevent late night misuse of the site.

While the site will be open year-round, the host will only work seasonally, from May 1 to September 30. During the off-season there will be no host on-site to open and shut the gate daily, so the gate will be left open. The public will be able to access the lake from the site in the winter by walking, skiing, snowshoeing, or snowmobiling to this fishing location. If spring or fall late night gatherings occur, FWP will maintain authority to initiate seasonal closures (October, November, and April), or some other means of ensuring that the site is not being used for keggers and other late night activities.

Patrols from the Fish, Wildlife & Parks district warden will occur during the off-season as well as during the peak season. Snowplowing and maintenance will be done from the FWP headquarters in Kalispell on a periodic basis.

While there will be a host on-site to ensure minimal impacts to adjacent neighbors of the site, it will not be within their prevue to act as security for adjacent private property. There will be no more control over this issue than currently exists; therefore it is possible that a person could, using the public access, then cruise the shoreline looking for unoccupied homes to burglarize. Given this can already happen from private property, there is not a great expectation that this will increase significantly.

7. Many people commented that there is already public access on Lake Five and no additional access is needed.

This lake currently has no public access for boat launching. There is a private resort located on the lake, which provides a launch for their clientele. In the past they have allowed the public to launch there for a fee. Similar facilities used to be available at Lake Blaine, but were sold for private condominiums, thus eliminating public access. Public access for shore fishing has been historically available at the following two locations:

- a. The railroad right of way between the railroad tracks and the lake. Due to liability concerns, the railroad has closed this access.
- b. A parcel on the east shore between the lakeshore and the county road. The ownership of this parcel is unclear. In addition, the site is steep, with a 10-foot drop, making it unsuitable for boat access, and it can only be negotiated by able-bodied people.

8. It was noted that the lake size listed in the environmental assessment is in error.

The initial Fish, Wildlife & Parks (Fish and Game, at that time) survey on Lake Five was done in 1954. At that time the surface acreage was estimated at 320 acres, with 80 acres of wetland. Documents for a chemical treatment of the lake in 1960 referenced 235 surface acres estimated from a map made from an aerial photo. In 1964, FWP created bottom contour maps for over 40 lakes in northwest Montana. The Lake Five map listed a surface acreage of 235 acres. The contour maps have proven popular with the public and have simply been copied since that time along with that surface acreage. There was one reference in 1960 documents that the lake level was down one foot with a surface acreage of 160 acres.

A listing of all questions asked and the answers to these questions, as well as the content analysis of the public comments received, are attached to this record of decision.

Finding of No Significant Impact:

Based on the analysis in the environmental assessment (EA), I find Alternative III, with the following adjustments, to be the preferred alternative.

1. **Parking:** Parking for truck/boat trailer combinations will be reduced by one site to six stalls. People using the individual vehicle slots will not be allowed to park a boat trailer in one slot and then park next to it with their vehicle. The private road to the site and the adjacent county road will be posted "No Parking" to prevent people from launching and then parking along the roadway.
2. **Water Safety:** FWP will work with the community to assist in the implementation of water use regulations, if it is the desire of that community. These regulations could consider making the lake no-wake, doing temporal zoning to allow water-skiing and jet-skiing only during certain hours or on certain days of the week.
3. Due to budgetary constraints, the roads will be gravel and will be dust-coated annually if needed.

I have evaluated the EA and applicable laws, regulations, and policies and have determined that this action will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared.

The final environmental assessment and the FONSI may be viewed at or obtained from Montana Fish, Wildlife & Parks, Region One, 490 N. Meridian Road, Kalispell, MT 59901. Please direct requests and questions to:

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In accordance with FWP policy, an appeal may be made by any person who has either commented in writing to the Department on the proposed project, or who has registered or commented orally at a public meeting held by the Department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this record of decision. The appeal must describe the basis for the appeal, how the appellant has previously commented to the Department or participated in the decision-making process, and how the Department can provide relief. The appeal should be mailed to: Director, Fish, Wildlife & Parks, 1420 East 6th Avenue, Helena, MT 59620.

Jim Satterfield
Regional Supervisor

Date